

Friday, March 14, 2008

| House Meets At...                   | Votes Predicted At...     |
|-------------------------------------|---------------------------|
| 10:00 a.m. For Legislative Business | Last Vote: 1:00-2:00 p.m. |
| Five "One-minutes" Per Side         |                           |

**Any anticipated Member absences for votes this week should be reported to the Office of the Majority Whip at 226-3210.**

### Floor Schedule and Procedure

- **H. Res. 1041–Rule providing for consideration of the Senate amendment to the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes (Rep. Arcuri-Rules):** The rule Provides for consideration of the Senate amendment to H.R. 3773. The rule makes in order a motion by the chairman of the Committee on the Judiciary to concur in the Senate amendment with the amendment printed in the report of the Rules Committee accompanying the resolution. The rule provides one hour of debate on the motion, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. Debate on the rule will be managed by Rep. Arcuri, and consideration will proceed as follows:
  - One hour of debate on the rule.
  - Possible vote on a Democratic Motion ordering the previous question. **Democrats are urged to vote yes.**
  - Vote on adoption of the rule. **Democrats are urged to vote yes.**

- **House amendment to the Senate amendment to the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes (Reps. Conyers/Reyes-Judiciary/Intelligence):** Pursuant to the rule, one hour of debate on the measure will be managed by Judiciary Committee Chair Rep. John Conyers, or his designee, for forty minutes, and Intelligence Committee Chair Rep. Silvestre Reyes, or his designee, for twenty minutes, and will proceed as follows:
  - One hour of debate of the House amendment to the Senate amendment.
  - Vote on adoption of the amendment.

## **Bill Summary and Key Issues**

### **FISA AMENDMENTS ACT**

The revised House legislation to amend FISA grants new authorities for conducting electronic surveillance against foreign targets while preserving the requirement that the government obtain an individualized FISA court order, based on probable cause, when targeting Americans at home or abroad. The House bill also strongly enhances oversight of the Administration's surveillance activities. Finally, the House bill does **not** provide retroactive immunity for telecom companies but allows the courts to determine whether lawsuits should proceed.

#### **Title 1: Surveillance Authorities**

- Provides for surveillance of terrorist and other targets overseas who may be communicating with Americans.
- Requires the FISA court to approve *targeting and minimization procedures* – to ensure that Americans are not targeted and that their inadvertently intercepted communications are not disseminated. These procedures must be approved prior to surveillance beginning – except in an emergency, in which case the government may begin surveillance **immediately**, and the procedures must be approved by the court within 30 days. (This may be extended if the court determines it needs more time to decide the matter).
- Provides prospective liability protection for telecommunications companies that provide lawful assistance to the government.
- Requires a court order based on probable cause to conduct surveillance targeted at Americans, whether inside the United States or abroad.
- Requires an Inspector General report on the President's warrantless surveillance program.
- Prohibits "reverse targeting" of Americans.
- Explicitly establishes FISA Exclusivity – that FISA is the exclusive way to conduct foreign intelligence surveillance inside the U.S. Any other means requires an express statutory authorization.
- Sunsets these authorities on December 31, 2009 (same as the PATRIOT Act sunset).

**Title 2: Litigation Procedures for Telecommunication Company Liability**

- Does not confer retroactive immunity on telecom companies alleged to have assisted in the President's warrantless surveillance program.
- Provides telecom companies a way to present their defenses in secure proceedings in district court without the Administration using "state secrets" to block those defenses.

**Title 3: National Commission on Warrantless Surveillance**

- Establishes a bipartisan, National Commission – with subpoena power – to investigate and report to the American people on the Administration's warrantless surveillance activities, and to recommend procedures and protections for the future.

**Quote of the Day**

"You can protect your liberties in this world only by protecting the other man's freedom. You can be free only if I am free." -Clarence Darrow

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